

House File 75

HOUSE FILE _____
BY JOCHUM

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to mandatory disclosures in certain political
2 telephone communications, and applying a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1414YH 80
5 jj/sh/8

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1 1 Section 1. NEW SECTION. 56.14A DISCLOSURES RELATED TO
1 2 POLITICAL TELEPHONE CALLS.
1 3 1. For the purposes of this section, unless the context
1 4 otherwise requires:
1 5 a. "Legitimate poll" means a telephone call conducted by a
1 6 polling firm for the purpose of a scientific poll of
1 7 respondents concerning public opinion concerning a candidate,
1 8 elected public official, or ballot issue that is part of a
1 9 series of like telephone calls that utilizes a scientific
1 10 sampling technique to produce a random sample of interviewees.
1 11 b. "Political telemarketing" means the canvassing of
1 12 persons under the guise of performing a poll or survey, with
1 13 the purpose of encouraging support of, or opposition to, a
1 14 clearly identified candidate for political office or the
1 15 passage or defeat of a clearly identified ballot issue.
1 16 2. The general assembly finds that political telephone
1 17 communication is increasingly used in political campaigns in
1 18 this state in a deceptive manner, including but not limited to
1 19 the use of political telemarketing, also known as push=
1 20 polling, where an anonymous telephone communication is
1 21 designed to appear as a legitimate poll, but is in fact used
1 22 as a vehicle to sway opinion through innuendo, by the
1 23 communication of certain negative information related to a
1 24 candidate or ballot issue in a manner designed to suggest that
1 25 such information may be true. The general assembly declares
1 26 that a compelling public interest exists to identify the
1 27 source of funding of telephonic communications related to
1 28 elections, in order to prevent corruption and deceit at the
1 29 expense of the electorate and to preserve accountability for
1 30 expenditures made in connection with political campaigns.
1 31 3. A candidate, or the authorized representative of a
1 32 candidate or the candidate's committee, who engages either in
1 33 a telephone communication for the purpose of soliciting
1 34 contributions or in a telephone communication that has the
1 35 effect of promoting or opposing the nomination or election of
2 1 a candidate for public office or the passage of a
2 2 constitutional amendment or public measure, shall disclose all
2 3 of the following by the end of the telephone call:
2 4 a. The identity of the individual who is calling and the
2 5 entity with which the individual is affiliated, if any.
2 6 b. The individual or entity that paid for the telephone
2 7 communication. If a committee has paid for or authorized the
2 8 telephone communication, the name of the committee shall be
2 9 disclosed. If any person other than the candidate or
2 10 candidate's committee has paid for the telephone
2 11 communication, the communication shall also state whether or
2 12 not the communication has been authorized by the candidate
2 13 intended to benefit from the communication.
2 14 c. The name, telephone number, and address of an
2 15 individual whom the call recipient can contact for further
2 16 information regarding the telephone communication.
2 17 4. An individual who, on behalf of, at the direction of,
2 18 or in cooperation with a political committee, engages either
2 19 in a telephone communication for the purpose of soliciting
2 20 contributions or in a telephone communication that has the
2 21 effect of promoting or opposing the nomination or election of
2 22 a candidate for public office or the passage of a
2 23 constitutional amendment or public measure shall disclose all
2 24 of the following at the commencement of the telephone call:

2 25 a. The identity of the individual who is calling and the
2 26 entity with which the individual is affiliated, if any.
2 27 b. The individual or entity that paid for the telephone
2 28 communication. If a committee has paid for or authorized the
2 29 telephone communication, the name of the committee shall be
2 30 disclosed. If any person other than the candidate or
2 31 candidate's committee has paid for the telephone
2 32 communication, the communication shall also state whether or
2 33 not the communication has been authorized by the candidate
2 34 intended to benefit from the communication.

2 35 c. The name, telephone number, and address of an
3 1 individual whom the call recipient can contact for further
3 2 information regarding the telephone communication.

3 3 5. The board shall adopt rules pursuant to chapter 17A
3 4 establishing procedures to administer this section.

3 5 EXPLANATION

3 6 This bill creates a new Code section that requires the
3 7 disclosure of certain information by the end of political
3 8 telephone calls that solicit contributions or that have the
3 9 effect of promoting or opposing a candidate or ballot issue.
3 10 The caller must disclose the name and affiliation of the
3 11 caller, the name of the individual or entity that paid for the
3 12 telephone call, whether a candidate who will benefit from the
3 13 call has authorized the call, and the name, address, and
3 14 telephone number of an individual whom the person can contact
3 15 for further information regarding the call.

3 16 Violations of this provision are punishable under Code
3 17 section 56.16 as a serious misdemeanor, which carries a
3 18 penalty of a fine of \$250 to \$1,500, and may also include a
3 19 sentence of up to one year in jail.

3 20 The bill also contains definitions of "legitimate poll" and
3 21 "political telemarketing", and contains a statement of
3 22 legislative intent regarding political telemarketing and push=
3 23 polling.

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